

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4425**

4 (By Delegates White, (By Request), Marcum,
5 Ferro, Manchin, D. Poling, Caputo, Boggs,
6 Swartzmiller, Craig, Barker and Skaff)

7 (Originating in the Committee on Finance)

8 [February 14, 2014]

9
10 A BILL to amend and reenact §15-2-7 of the Code of West Virginia,
11 1931, as amended, relating to giving the Superintendent of
12 the West Virginia State Police authority to employ legal
13 counsel and legal support staff when necessary.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §15-2-7 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted, to read as follows:

17 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

18 **§15-2-7. Cadet selection board; qualifications for and appointment**
19 **to membership in State Police; civilian employees;**
20 **authority to employ legal counsel and staff when**
21 **necessary.**

22 (a) The superintendent shall establish within the West
23 Virginia State Police a cadet selection board which shall be
24 representative of commissioned and noncommissioned officers within
25 the State Police.

26 (b) The superintendent shall appoint a member to the position
27 of trooper from among the top three names on the current list of
28 eligible applicants established by the cadet selection board.

29 (c) Preference in making appointments shall be given whenever

1 possible to honorably discharged members of the Armed Forces of the
2 United States and to residents of West Virginia. Each applicant
3 for appointment shall be a person not less than twenty-one years of
4 age nor more than thirty-nine years of age, of sound constitution
5 and good moral character; is required to pass any mental and
6 physical examination; and meet other requirements as provided in
7 rules promulgated by the cadet selection board: *Provided*, That a
8 former member may, at the discretion of the superintendent, be
9 reenlisted.

10 (d) No person may be barred from becoming a member of the
11 State Police because of his or her religious or political
12 convictions.

13 (e) The superintendent shall adhere to the principles of equal
14 employment opportunity set forth in article eleven, chapter five of
15 this code and shall take positive steps to encourage applications
16 for State Police membership from females and minority groups within
17 the state. An annual report shall be filed with the Legislature on
18 or before January 1 of each year by the superintendent which
19 includes a summary of the efforts and the effectiveness of those
20 efforts intended to recruit females, African-Americans and other
21 minorities into the ranks of the State Police.

22 (f) Except for the superintendent, no person may be appointed
23 or enlisted to membership in the State Police at a grade or rank
24 above the grade of trooper.

25 (g) The superintendent shall appoint civilian employees as are
26 necessary and all employees may be included in the classified
27 service of the civil service system except those in positions
28 exempt under the provisions of article six, chapter twenty-nine of

1 this code.

2 (h) Effective July 1, 2001, civilian employees with a minimum
3 of five years' service shall receive a salary increase equal to
4 \$100 a year for each year of service as a civilian employee. Every
5 three years thereafter, civilian employees who have five or more
6 years of service shall receive an annual salary increase of \$300.
7 The increases in salary provided by this subsection are in addition
8 to any other increases to which the civilian employees might
9 otherwise be entitled.

10 (i) The superintendent may employ the legal counsel and legal
11 support staff that he or she may determine to be necessary, who
12 shall not be included in the classified service of the civil
13 service system.